REMARKS/ARGUMENTS

The Applicants have carefully considered this Application in connection with the Examiner's Action and respectfully request reconsideration of this Application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the Application. The Applicants amend Claims 1, 8, and 15 in the present Amendment. Support for the present Amendment can be found at least in paragraphs [0031] and [0032] of the present Application. Accordingly, Claims 1-20 are currently pending in the Application.

I.   Rejection of Claims 1-3, 6-10, 13 and 14 under 35 U.S.C. §102

The Examiner has rejected Claims 1-3, 6-10, 13 and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0110086 to Reches. The Applicants respectfully disagree in light of the foregoing amendments and following remarks, and request the claims go to issue.

Reches is generally directed to a multiport switch and method for forwarding variable length packets across the multiport switch. (*See* Abstract.) Reches includes a scheduler 40, input ports 1-N, [input ports 10, 12, 19] and output ports 1-N [output ports 61, 62, 69]. The Examiner equates each output port having an output queue, an "output FIFO", which the Examiner appears to correlate to a destination FIFO. (*See* Examiner's Action, pages 2-3.) The Examiner further contends that Reches discloses "input ports maintaining an output queue for each possible output port, meaning for each output port there are N queues corresponding to each of the N inputs and interposed between corresponding ones of the N inputs and the destination FIFOs." (*See* Examiner's Action, page 3.) In

8

other words, the Examiner appears to correlate the input ports maintaining an output queue to an interposing crossbar FIFO of Claim 1.

The Examiner contends, regarding Reches: "scheduler 40 causes packets to be sent from an input to an output only when it is determined that there is sufficient memory and resource to send the entire packet in a set of time slots..." (*See* Examiner's Action, page 3.) However, even assuming, *arguendo,* that the preceding characterization is correct, Claim 1 clarifies and recites that "a scheduler [is] configured to cause ... packets ... to be transmitted from one of said inputs to one of said outputs only when both said destination FIFO associated therein and an interposing one of said crossbar FIFOs have sufficient memory *at a same time to receive, and then contain,* an entirety of a packet of said plurality of packets."

The Applicants respectfully state that the Examiner is not properly addressing the claim language of Claim 1, either previously presented or as further presently amended and further clarified. Reches, has an exemplary 'input port M' which maintains an output queue for each possible output port (*See* Reches, paragraph [0055]), but Reches does not concern itself that this input port which maintains an output queue for each possible output port, which the Examiner has characterized as a crossbar FIFO, and the output queue, which the Examiner has characterized as a destination FIFO, both have enough memory *at the same time* to *receive and then contain* an entirety of a packet. Instead, the input ports of Reches receive the various packets, *stores* them in queues, can determine priority etc., and *then* generate a connection request to the scheduler 40 so that the packet can be conveyed to an output queue. (*See* Reches, paragraph [0055]). Claim 1, however, recites that "both said destination FIFO associated therein and an interposing one of said crossbar

FIFOs have sufficient memory *at a same time to receive and then contain* an entirety of a packet of said plurality of packets." In Reche, the queues of the input port *first* store a packet, and only later is this stored packet forwarded to an output queue.

The Applicants respectfully assert that the cited references do not support the Examiner's rejection under 35 U.S.C. §102(e) of Claim 1 and its dependent claims, when considered as a whole. Nor, for analogous reasons, do the cited references support the Examiner's rejection under 35 U.S.C. §103(a) of Claims 8 and 15 and their dependent claims, when considered as a whole. The Applicants therefore respectfully request the Examiner withdraw the rejection of Claims 1-3, 6-10, 13 and 14 and allow issuance thereof.

II.   **Rejection of Claims 4, 5, 11 and 12 under 35 U.S.C. §103**

The Examiner has rejected Claims 4, 5, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of U.S. Patent No. 6,975,638 to Chen, *et al.* ("Chen"). The Examiner has also rejected Claims 15-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of U.S. Patent No. 5,905,873 to Hartman, *et al.* ("Hartman"). The Examiner has also rejected Claims 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of Hartman in further view of Chen.

The Applicants respectfully submit that they have not found a teaching within Hartman or Chen that compensates for the above-discussed deficiencies of Reches. Nor has the Examiner cited Hartman or Chen for such a proposition.

10

Therefore, the Applicants respectfully assert that the cited references do not support the Examiner's rejection under 35 U.S.C. §103(a) the dependent Claims 4 and 5, when considered as a whole. Nor, for analogous reasons, do the cited references support the Examiner's rejection under 35 U.S.C. §103(a) of Claims dependent Claims 11 and 12, when considered as a whole. Therefore the Examiner has not presented a *prima facie* case of obviousness. The Applicants therefore respectfully request the Examiner withdraw the rejection of Claims 1-20 and allow issuance thereof.

III. Conclusion

In view of the foregoing Amendment and remarks, the Applicants now see all of the claims currently pending in this Application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20. Applicants, however, reserve the right to traverse arguments or characterizations in the present Examiner's Action that are not specifically addresses in the present Amendment.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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